

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

MAY 26 2006

Case No. 5543
 Date Filed 5/17/06
 Hearing Date _____
 Receipt _____
 Fee \$700.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code

- _____ Administrative Decision/Interpretation
- _____ Special Exception
- _____ Use Variance
- _____ Change/Extension of Non-Conforming Use
- _____ Minor Area Variance
- _____ Area Variance
- _____ Variance from Requirements of the Code
- _____ Zoning Map/Drafting Correction

CASE 5543 MAP 33 TYPE Variance ELECTION DISTRICT 03

LOCATION 2560 Flora Meadows Drive, Forest Hill 21050

BY Thomas and Mary Mottley

Appealed because a variance pursuant to Sec. 267-26(C)(5)(b) of the Harford County Code to permit a shed to encroach the 3' rear yard setback (0' setback proposed) and a variance pursuant to Section 267-30.14 and 267-26C(6) of the Harford County Code to permit an accessory structure within the recorded Forest Retention Area in the AG District, requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name THOMAS & MARY MOTTLEY Phone Number 410-838-9695

Address 2560 FLORA MEADOWS DRIVE FOREST HILL MD 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address B _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2560 FLORA MEADOWS DRIVE FOREST HILL, MD 21050

Subdivision COLUARD MANOR

Lot Number 23

Acreage/Lot Size 1.86 ACRES

Election District 03

Zoning AG

Tax Map No. 33

Grid No. 20

Parcel 434

Water/Sewer: Private ☒

Public ☐

List ALL structures on property and current use: HOUSE, DECK

Estimated time required to present case: 15 MINUTES

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☒ No ☐

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

I WOULD LIKE A VARIANCE TO ALLOW ME TO PLACE A SHED ON THE
EDGE OF MY PROPERTY IN A FOREST RETENTION AREA AND A 100' CONSERVATION
SETBACK AREA.

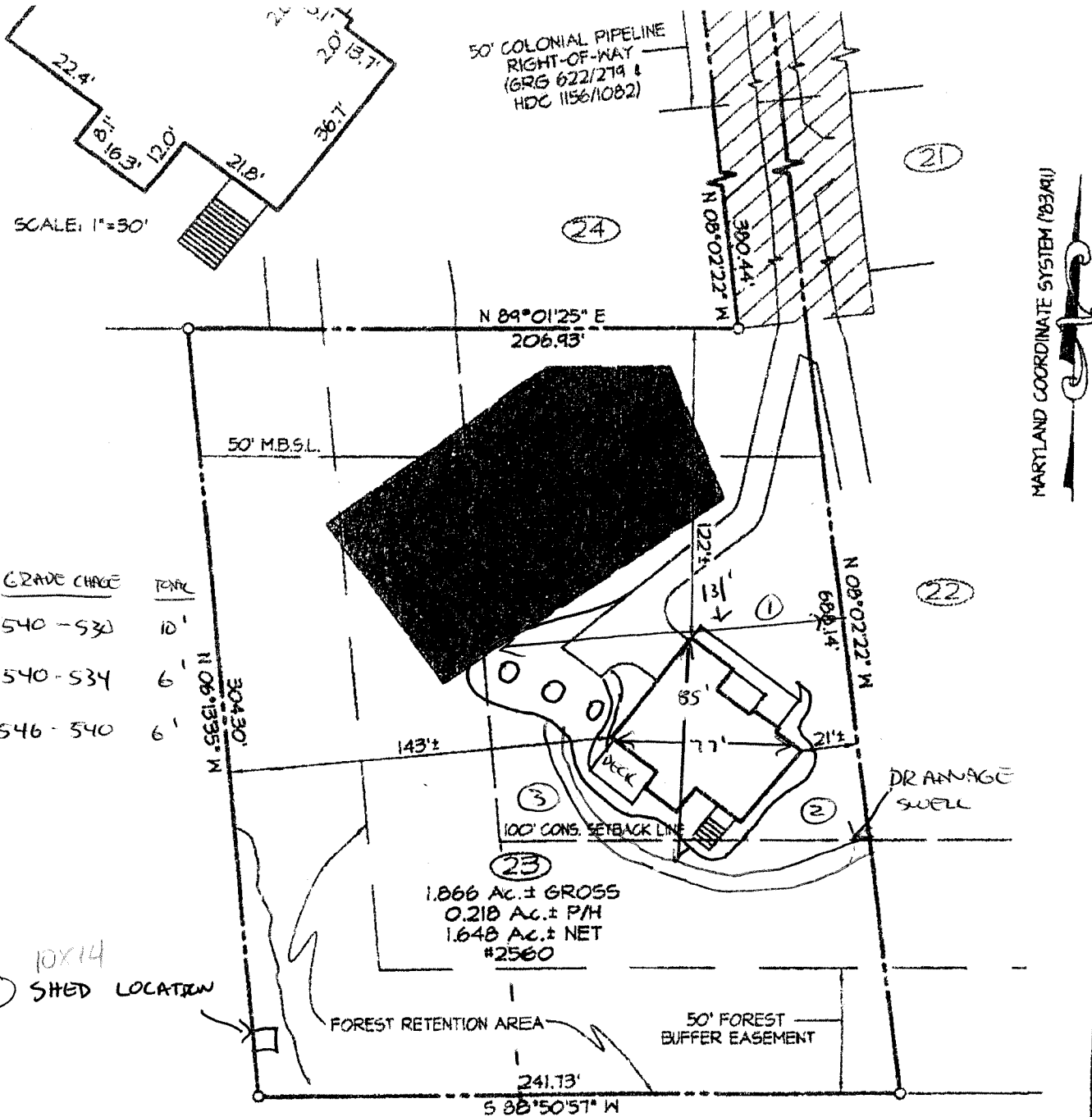
Justification

THE CONSERVATION SETBACK AREA ENCUMBERS TWO SIDES OF MY PROPERTY.
THE TOTAL AREA OF MY LOT IS 1.86 ACRES, OF WHICH .218 ACRES IS A SHARED
DRIVEWAY. 1.648 ACRES IS THE ACTUAL LOT. THE FOREST CONSERVATION SETBACK
AREA AND SEPTIC FIELD COMPRISE 1.3222 ACRES. AFTER THE AREA OF THE HOUSE,
A PROXIMATELY .1248 ACRES OF LAND IS LEFT OUTSIDE OF THE CONSERVATION
SETBACK AREA TO LOCATE THE SHED. THESE AREAS ARE ALL LOCATED ON STEEP

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

GRADES IN THE DRAINAGE FIELD.

- SEE ATTACHED CALCULATIONS AND SITE PLAN



AREA	GRADE CHANGE	FOOT
①	540 - 530	10'
②	540 - 534	6'
③	546 - 540	6'

ACCURACY LIMITATIONS

LOT BOUNDARY - AS CALLED
BUILDING DIMENSIONS - ± 0.2'
BUILDING TO BOUNDARY LINE - ± 1'

- THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING.
- THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS, AND
- THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHITECTS

3445-A Box Hill Corporate Center Drive
Arlington, Maryland 21009
(410) 515-9000
Fax: (410) 515-9002

LOCATION DRAWING

LOT 23

REVISED FINAL PLAT LOTS 18 - 24

FLORA MEADOWS

J.J.R. 110 FOLIO 38

THIRD ELECTION DISTRICT HARFORD COUNTY, MD
FOR: N.V. HOMES

SCALE: 1"=60'

DATE: MARCH 7, 2005

DRAWN BY: PKB

DESIGN BY:

REVIEW BY: GTK

JOB NO. 12234

BK.# 2 PG.# 75

G:\2234\Plot\LOCATIONS\2234 LOC23.dwg, 3/9/2005 3:51:46 P

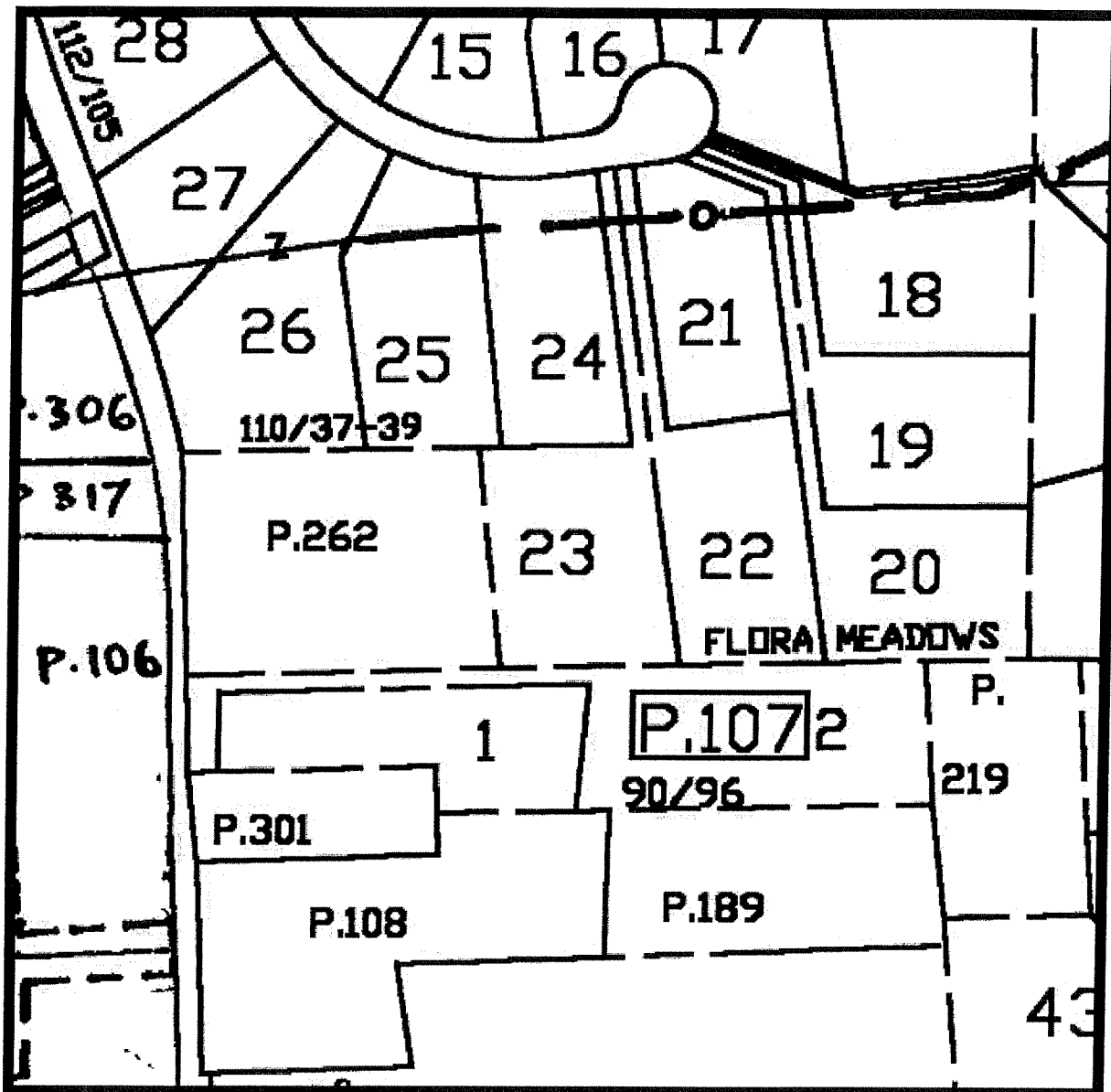
Remaining Land Outside of Conservation Area						
					<u>Acres</u>	
Total Lot Size					1.866	
Shared Driveway					0.218	
Actual Lot Size					1.648	
1 Acre =		43,560	Square Feet			
<u>Description</u>	<u>Length- Feet</u>	<u>Width- Feet</u>	<u>Total Square Feet</u>	<u>Acres</u>	<u>Usable Acres</u>	
Conservation Setback	304.3	100	30430	0.6986	0.9494	
	141.73	100	14173	0.3254	0.6241	
Septic Field & Driveway	131	122	15982	0.3669	0.2572	
House Area	85	77	6545	0.1503	0.1069	
Total Area permitted for to install a shed				0.1069	Acres	
Area-1	Front Yard- 10' Drop					
Area-2	Side Yard- 6' Drop, Located in Drainage Swell					
Area-3	Back Yard- 6' Drop, located in Drainage Swell					



Maryland Department of Assessments and Taxation
HARFORD COUNTY
Real Property Data Search

[View Map](#)

District - 03 Account Number - 365034



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/landuse/landuse/index.html

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 2, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5543

APPLICANT/OWNER: Thomas Mottley
2560 Flora Meadows Drive, Forest Hill, Maryland 21050

Co-APPLICANT: Mary Mottley
2560 Flora Meadows Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

LOCATION: 2560 Flora Meadows Drive/Colvard Manor
Tax Map: 33 / Grid: 2D / Parcel: 434 / Lot: 23
Election District: Three (3)

ACREAGE: 1.86 acres

ZONING: AG/Agricultural District

DATE FILED: May 17, 2006

HEARING DATE: July 19, 2006

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"I would like a variance to allow me to place a shed on the edge of my property in a Forest Retention area and a 100 foot Conservation setback area."

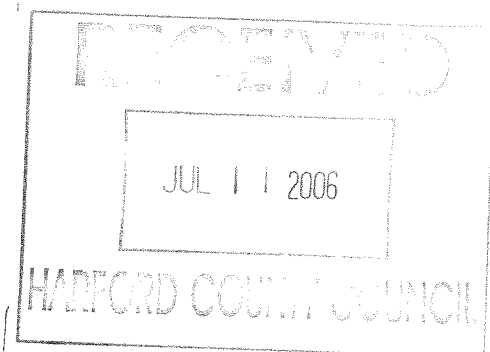
Justification:

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



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Thomas & Mary Mottley

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“The conservation setback area encumbers two sides of my property. The total area of my lot is 1.86 acres of which 0.218 acres is a shared driveway. 1.648 acres is the actual lot. The Forest Conservation setback area and septic field comprise 1.3272 acres. After the area of the house, approximately 0.1248 acres of land is left outside of the conservation setback area to locate the shed. These areas are all located on steep grades and the drainage field. See attached calculations and site plan.”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26C(5)(b) of the Harford County Code to permit a shed to encroach the 3 foot rear yard setback (0' foot setback proposed) and a variance pursuant to Section 267-30.14 and 267-26C(6) of the Harford County Code to permit an accessory structure within the recorded Forest Retention Area in the AG/Agricultural District.

Section 267-26C(5)(b) of the Harford County Code reads:

- (b) *Residential detached accessory structure: six (6) feet from any principal structure and three (3) feet from side or rear yard lot lines except for lots with recorded easements. For lots with recorded easements, the setback shall be equal to the width of the recorded easement.*

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

Section 267-30.14 of the Harford County Code reads:

- A. *The Board of Appeals may grant a variance to this Article in accordance with this section and section 267-11 of this chapter.*
- B. *In granting a variance to this Article the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located east of Rocks Road (MD Route 24) and south of Chestnut Hill Road. The lot is situated on the south side of Flora Meadows Drive near the end of the cul de sac. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

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The subject property is located outside of the Development Envelope. The predominant land use designations are Agricultural and Rural Residential. Just to the south is the Village of Forest Hill. The Natural Features Map reflects Sensitive Species Project Review Areas, Agricultural Preservation Districts and Easements, Rural Legacy Areas, Deer Creek Scenic River District, and Stream Systems. The subject property is designated as Rural Residential which is defined by the 2004 Master Plan as:

***Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. The area contains a mix of agricultural and residential uses. Agricultural uses include cropland, pastureland, and areas of dense woodland. Residential uses are primary single family dwellings. There are commercial uses within the Village of Forest Hill. The topography of the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of a topography map along with an aerial photograph of the general area (Attachments 5 and 6).

The subject lot is located in the subdivision of Flora Meadows. The lot is a panhandle lot located off the south side of Flora Meadows Drive near the end of the cul-de-sac. The lot is approximately 1.86 acres in size. The property backs up to a gravel lane that serves 3 dwellings. The topography of the lot is rolling rising up from the road to the front of the house, leveling off around the improvements and then terraces and slopes up to the rear of the property. The lot is encumbered by a Forest Retention easement and a 100 foot conservation setback easement. Improvements consist of a brick and frame 2 story single family dwelling with a blacktopped driveway with a parking and turning area in front of the garage. Other improvements include a deck on the rear of the dwelling, a wooden play set with swings, a shed in the rear corner of the lot and a well and septic system. The rear corner of the lot where the shed is located is wooded. The right side and rear of the lot is planted with trees to create a forest area. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. There are areas of VR/Village Residential and VB/Village Business Districts. The

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subject property is zoned AG/Agricultural and bordered on the south side by VR/Village Residential as shown on the enclosed zoning map (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(5)(b) of the Harford County Code to permit a shed to encroach the 3 foot rear yard setback (0' foot setback proposed) and a variance pursuant to Section 267-30.14 and 267-26C(6) of the Harford County Code to permit an accessory structure within the recorded Forest Retention Area in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-26C(5)(b):

- (c) *Residential detached accessory structure: six (6) feet from any principal structure and three (3) feet from side or rear yard lot lines except for lots with recorded easements. For lots with recorded easements, the setback shall be equal to the width of the recorded easement.*

The subject property contains two easements, Forest Retention Area and a 100 foot Conservation Easement. The two easements severely reduce the useable area of the lot. Due to the location of the septic reserve area and well, there was barely enough area to locate the dwelling and deck. The conservation easement area comes up to the rear of the dwelling. This leaves no appropriate place outside of the easements for the shed. The shed is presently tucked into a wooded area with only the front exposed. It appears that other lots within the development can accommodate sheds without the need for variances. The existing shed is only 10 x 14 and is consistent with other structures in the area.

Section 267-26C(6):

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

The shed will not have an impact on the Forest Retention area or the Conservation Easement area.

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Section 267-30.14:

- A. *The Board of Appeals may grant a variance to this Article in accordance with this section and section 267-11 of this chapter.*

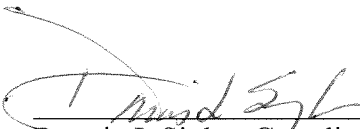
The Department finds that the subject property is unique for the reasons as previously stated in the report. Other lots in the area are less restricted and are able to locate accessory structures such as pools and sheds without requiring variances (Attachments 10 and 11).

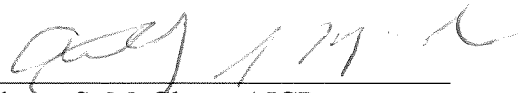
- B. *In granting a variance to this Article the Board shall issue specific written findings of fact demonstrating that the granting of the variance will not adversely affect water quality.*

The granting of the variance will not adversely affect water quality.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variances be approved subject to the Applicant obtaining all necessary permits and inspection for the shed.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf